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### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed March 7, 2006. In the Office Action, the Examiner notes that claims 1-12 are pending, of which claims 1-12 are rejected. Claims 2-3 were canceled in the last response. By this response, Applicants have added claims 13 and 14 and amended claims 1 and 7-10. No new matter has been added.

In view of both the foregoing amendments and the following remarks, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

Entry of this Amendment is proper since the amendment places the application in condition for allowance for reasons discussed herein and places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is this respectfully requested.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **REJECTIONS**

#### **35 U.S.C. §103**

##### **Claims 1-12**

The Examiner has rejected claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over Mandel (U.S. Patent 6,170,009, hereinafter "Mandel") and Robinson et al. (U.S. Patent 6,570,867, hereinafter "Robinson"). Applicants respectfully traverse the rejection.

Claims 1 and 7 recite the features of monitoring and reporting with respect to a rate of change of the usage and polling after a "safe period" has passed. Neither Mandel nor Robinson, singly or in combination, teaches or suggest those features.

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Claim 8 explicitly claims the features of the occurrence of the periodic polling and aperiodic polling depends on the tuning of a parameter adjusted in response to the usage. Neither Mandel nor Robinson, singly or in combination, teaches or suggest those features.

Claims 9 and 10 explicitly includes the features of determining whether the sum of the reported values of the reporting nodes plus an upper bound of the value for the non-reporting nodes exceeds a threshold, and generating an alarm if the sum of the variables of the nodes exceeds the threshold. None of these features are taught or suggested by Mandel or Robinson. Thus, neither Mandel nor Robinson, singly or in combination, teaches or suggest those features.

As such, independent claims 1, 7, 8, 9 and 10 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder over Mandel and Robinson. Furthermore, claims 2-3 was canceled without prejudice, claims 4-6 and 11-14 depend, either directly or indirectly, from claims 1 and 8 and recite additional limitations thereof. Therefore, dependent claims 4-6 and 11-14 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder over Mandel in view of Robinson. Accordingly, Applicants respectfully request the rejection be withdrawn.

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### CONCLUSION

Thus, Applicants submit that all of the claims presently in the application, are non-obvious and are patentable under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jasper Kwok at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: \_\_\_\_\_

5/2/06

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